

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3045 of 2022

-
1. M/s Sheru Mini Rice Mills through its Proprietor namely Ramesh Kumar Gupta, Son of Shri Yamuna Sah, Resident of - Bhabhua Road, P.O. and P.S. - Kudra, District- Kaimur.
 2. Ramesh Kumar Gupta, Proprietor of Sheru Mini Rice Mill, Male aged about 40 years, resident of - Bhabhua Road, P.O. and P.S. - Kudra, District- Kaimur.

... .. Petitioner/s

Versus

1. Punjab National Bank Through its Circle Office, at 1st floor, Mahauli Kothi Near Pir Baba More, Ara, District- Ara.
2. Circle Zonal Manager, Authorized Officer, Punjab National Bank, Circle Office, Ara, District- Ara.
3. Chief Manager cum Authorized Officer, Punjab National Bank Circle Office, Ara, District- Ara.
4. Branch Manager, Punjab National Bank, Kudra P.S. - Kudra District- Kaimur (Bhabhua).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satyendra Prasad Singh, Advocate
For the Respondent/s : Mr.Kumar Priya Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-04-2022 Petitioners have prayed for following relief (s) : -

“I. That the present writ application is being filed in the nature of Certiorari for quashing the proclamation of sale issued under the signature of chief manager cum authorized officer Punjab National Bank by which proclamation of sale has been issued and date of auction with regard to the property has been fixed on 25.02.2022 against the loan to the tune of rupees 12034150.04 along with interest on the ground that the bank has not issued any notice under Section 13 (4) to the



petitioner, the reserve price of the property has been fixed to be rupees 47.14 lakh although the property has been valued to the tune of rupees 1,20,00,000 when valued in the year of 2016;

II. That the present application is being filed is being filed in the nature of Certiorari for quashing the possession notice dated 06.01.2022 issued under the signature of authorised officer, Punjab National Bank, Circle office, Ara by which possession notice has been issued with regard to the property for recovery of the amount Rs.1,20,34,150.04/; on the ground that the said possession notice has been issued but there is no such paper publication, there is no proper valuation, the said notice is not as per Appendix- IV as per rule 8(1) of the Securities Interest Enforcement) Rules, 2002 (herein referred as rules for the sake of brevity);

III. That the present application is being filed in the nature of Mandamus for a direction to the Circle Officer to the respondent number 1, 2 and 3 to settle the matter of the petitioner at amicable price under the background that there was paddy destruction to the tune of rupees 22 lacs in the year 2018 and also there is covid-19 resulted in complete closure of the business since March 2020 etc.;

IV. For any other relief reliefs for which the petitioner shall be entitled for.”

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.



Prayer allowed.

The petition is disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

U			
---	--	--	--

